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DEPUTY CUEVA (HOMICIDE INTERVIEW)

DEPUTY CUEVA (IAB INTERVIEW)

[REDACTED] (FIRST INTERVIEW)

[REDACTED] (SECOND INTERVIEW)

[REDACTED]

[REDACTED]

[REDACTED] (FIRST INTERVIEW)

[REDACTED] (SECOND INTERVIEW)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**EXHIBITS**

A- HOMICIDE BOOK

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# **OFFICER INVOLVED SHOOTING FORM**

# Los Angeles County Sheriff's Department

## Officer Involved Shooting

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Report Date: <b>10/17/14</b>		Bureau/Station/Facility: <b>Internal Affairs Bureau</b>		Admin. Invest.? <input type="checkbox"/> Hit? <input checked="" type="checkbox"/>	
<b>Incident Information</b>					
URN: <b>013-05508-2117-013</b>		Date: <b>04/09/13</b>		Time: <b>1349 hours</b>	
City or Station: <b>Lynwood</b>		Nature of Incident: <b>Suspect Villareal was shot by Deputy Cueva after he produced a handgun and fired at Deputy Cueva multiple times.</b>			
Location: <b>Cornish Avenue</b>					
Location Type (check one or more): <input type="checkbox"/> Backyard <input type="checkbox"/> Beach <input type="checkbox"/> Business <input type="checkbox"/> Freeway <input type="checkbox"/> Industrial <input type="checkbox"/> Park <input type="checkbox"/> Parking Lot <input type="checkbox"/> Residence <input type="checkbox"/> Rural <input type="checkbox"/> School <input checked="" type="checkbox"/> Street Other: <b>Driveway</b>		Lighting (check only one): <input type="checkbox"/> Darkness <input checked="" type="checkbox"/> Daylight <input type="checkbox"/> Other <input type="checkbox"/> Street Lights  Weather (circle only one): <input checked="" type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Fog <input type="checkbox"/> Rain  Distance: <b>5'-10'</b>		Incident Type (check one or more): <input type="checkbox"/> Accidental <input checked="" type="checkbox"/> Armed Person <input type="checkbox"/> Fleeing Suspect <input type="checkbox"/> Foot Pursuit <input type="checkbox"/> Gun Take Away <input type="checkbox"/> Moving Vehicle <input type="checkbox"/> Sniper/Ambush <input type="checkbox"/> Startle <input type="checkbox"/> Struggle Involved <input type="checkbox"/> Traffic Stop <input type="checkbox"/> Unarmed Person <input type="checkbox"/> Unintentional <input type="checkbox"/> Vehicle Pursuit <input type="checkbox"/> Warrant Service <input type="checkbox"/> Warning Shot Other:	
Total # of Shots Fired by Deputy <b>16</b>		Total # of Shots Fired by Suspect <b>8</b>		Initiated by (check only one): <input type="checkbox"/> Arrest Warrant <input type="checkbox"/> Call <input checked="" type="checkbox"/> Observation <input type="checkbox"/> One Person Unit <input type="checkbox"/> Other <input type="checkbox"/> Search Warrant <input type="checkbox"/> Two Person Unit  Prior Activity (check only one): <input type="checkbox"/> Detective <input type="checkbox"/> Inmate Transport <input type="checkbox"/> Other <input checked="" type="checkbox"/> Routine Patrol  Aero Unit? <input checked="" type="checkbox"/> Canine Unit? <input type="checkbox"/>	
<b>Employee Witnesses</b>					
Employee #	Last Name	First Name	M.I.	ShiftTime (check only one): <input type="checkbox"/> EM <input type="checkbox"/> PM <input type="checkbox"/> Day	ShiftType (check only one): <input type="checkbox"/> Regular <input type="checkbox"/> Overtime <input type="checkbox"/> Off Duty
Employee #	Last Name	First Name	M.I.	ShiftTime (check only one): <input type="checkbox"/> EM <input type="checkbox"/> PM <input type="checkbox"/> Day	ShiftType (check only one): <input type="checkbox"/> Regular <input type="checkbox"/> Overtime <input type="checkbox"/> Off Duty
Employee #	Last Name	First Name	M.I.	ShiftTime (check only one): <input type="checkbox"/> EM <input type="checkbox"/> PM <input type="checkbox"/> Day	ShiftType (check only one): <input type="checkbox"/> Regular <input type="checkbox"/> Overtime <input type="checkbox"/> Off Duty
<b>Non-Employee Witnesses</b>					
Last Name		First Name		M.I.	
Street Address		City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		City	Zip Code	Work Ph	Home Ph
<b>Supervisors</b>					
Employee #	Last Name	First Name	M.I.	(check one or more):	
	<b>Lombardo</b>	<b>Paul</b>	<b>J</b>	<input checked="" type="checkbox"/> On Duty <input type="checkbox"/> Present during shooting <input type="checkbox"/> Witness to shooting <input type="checkbox"/> Involved in shooting	
Employee #	Last Name	First Name	M.I.	(check one or more):	
	<b>Banks</b>	<b>Sean</b>	<b>D</b>	<input checked="" type="checkbox"/> On Duty <input type="checkbox"/> Present during shooting <input type="checkbox"/> Witness to shooting <input type="checkbox"/> Involved in shooting	
<b>Watch Sergeant</b>					
Employee #	Last Name	First Name	M.I.		
	<b>Iberri</b>	<b>Joseph</b>	<b>W</b>		
<b>Watch Commander</b>					
Employee #	Last Name	First Name	M.I.		
	<b>Nathan</b>	<b>Daniel</b>	<b>A</b>		

<b>PSTD Use Only</b>	
SH #	<b>2334985</b>

Rollout Information							
Arrival Date	04/09/13	Arrival Time	1535	Date Submitted	10/17/14	Date of Recommendation	
Employee #		Last Name	Parker	First Name	Brenda	M.I.	
Employee #		Last Name	Gibson	First Name	Brenda	M.I.	L
Employee #		Last Name		First Name		M.I.	

### Shooting / Force Information

## Method

(AW)	Arwen	(OV)	Other Weapon: Vehicle
(BC)	Baton:(Control)	(OB)	Other Weapon: Blunt Object
(BI)	Baton:(Impact)	(OO)	Other Weapon: Other
(BF)	Bodily Fluids	(PK)	Personal Weapon: Feet/Leg: (Kick)
(CN)	Canine	(PS)	Personal Weapon: Feet/Leg: (Sweep)
(CR)	Carotid Restraint	(PH)	Personal Weapon (Hand/Arm)
(CH)	Choke Hold	(PP)	Personal Weapon (Push)
(CT)	Control Holds:(Control Techniques)	(PO)	Personal Weapon (Other)
(TT)	Control Holds:(Team Takedown)	(RS)	Resistance
(TD)	Control Holds:(Takedown)	(CN)	Restraint Device (Capture Net)
(CE)	Chemical	(RH)	Restraint Device (Handcuffs)
(OC)	Chemical Agents (OC Spray)	(HB)	Restraint Device:Hobble (Legs Only)
(TG)	Chemical Agents (Tear Gas)	(TP)	Restraint Device:Hobble (TARP)
(EX)	Explosives	(RE)	Restraint Device: REACT Belt
(FH)	Firearm (Handgun)	(SP)	Sap
(FR)	Firearm (Rifle)	(SH)	Shield
(FS)	Firearm (Shotgun)	(SG)	37mm Stinger
(FO)	Firearm (Other)	(SB)	Sting Ball
(FB)	Flashbang	(ST)	Stun Bag
(FL)	Flashlight	(TR)	Taser
(OE)	Other Weapon: Edged	(UC)	Uncooperative

## Type of Injury

(AB)	Abrasion
(BR)	Bruise
(BU)	Burn
(CP)	Complaint of Pain
(CO)	Concussion
(DH)	Death
(DI)	Dislocation
(DB)	Dog Bite
(FR)	Fractures
(GS)	Gunshot
(HB)	Human Bite
(LC)	Lacerations
(ND)	Nerve Damage
(OD)	Organ Damage
(PA)	Paralysis
(PW)	Puncture Wound
(SD)	Soft Tissue Damage
(ST)	Sprain/Twists
(UN)	Unconscious
(RM)	Refused Med Treatment
(NN)	NONE

**Body Part Injured**

(AD)	Abdomen
(AK)	Ankle
(AR)	Arm
(BK)	Back
(BT)	Buttocks
(CH)	Chest
(EL)	Elbow
(FA)	Face
(FE)	Feet
(FI)	Fingers
(GE)	Genitals
(GR)	Groin
(HD)	Hand
(HE)	Head
(HI)	Hip
(IN)	Internal
(KN)	Knees
(LE)	Leg
(NK)	Neck
(SH)	Shoulder
(WR)	Wrist

**Brand**

(AK)	AK-47	(JE)	Jennings	(SW)	Smith & Wesson
(BN)	Benelli	(LO)	Lorcin	(SR)	Sturm Ruger
(BR)	Beretta	(LU)	Luger	(SS)	SIG Sauer
(BW)	Browning	(MA)	Marlin	(ST)	Sterling
(CH)	Charter Arms	(MO)	Mossberg	(TA)	Taurus
(CO)	Colt	(NC)	NCI aka SKS	(WE)	Weatherby
(DA)	Davis Industries	(NA)	North American	(WN)	Winchester
(GL)	Glock	(NO)	Norinco	(US)	US Government
(HA)	Harrington & Richardson	(RA)	Raven	(YY)	Handmade (Inmate)
(HI)	Hi Standard	(RM)	Remington	(XX)	Homemade (Non-Inmate)
(HK)	H & K	(RG)	RG	(ZZ)	Other Brand
(IT)	Ithica	(RI)	RGI		

**Caliber**

(9)	9 mm	(24)	.243 caliber	(41)	.410 gauge
(10)	10 mm	(25)	.25 caliber	(44)	.44 caliber
(12)	12 gauge	(30)	.308 caliber	(45)	.45 caliber
(20)	20 gauge	(35)	.357 caliber	(50)	50 mm
(21)	.22-250	(36)	30-60 caliber	(SL)	Slug
(22)	.22 caliber	(38)	.38 caliber	(VW)	Other caliber
(23)	.223 caliber	(40)	.40 caliber		

**FORCE APPLIED** (one code per block)

[illegible]

# Officer Involved Shooting Involved Employee Information

URN: 013-05508-2117-013

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## Involved Employee

<b>E 1</b>	Employee #	Last Name <b>Cueva</b>	First Name <b>Carlos</b>	M.I. <b>A</b>
Sex: <b>M</b> Race: <b>H</b>		Rank: <b>Deputy</b>	Unit Assignment: <b>CPD-CEN</b>	
Work Assignment (Unit #, Module, etc.): <b>212D1</b>		Substance Used:		
ShiftTime (circle only one): <input type="checkbox"/> EM <input checked="" type="checkbox"/> PM <input type="checkbox"/> Day		ShiftType (circle only one): <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Overtime <input type="checkbox"/> Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>
Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case? <input type="checkbox"/>
Hrs of sleep prior to shooting: <b>7</b>		Duty Time (hrs):	Clothing (circle only one): <input type="checkbox"/> Plain Clothes no Vest <input type="checkbox"/> Raid Jacket w/ Vest <input type="checkbox"/> Plain Clothes w/ Vest <input type="checkbox"/> Uniform no Vest <input type="checkbox"/> Raid Jacket no Vest <input checked="" type="checkbox"/> Uniform w/ Vest	
Age: <b>510</b> Height: <b>240</b>		Other Factors:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? <input type="checkbox"/>		Patrol Certification? <input type="checkbox"/>	Certification Unit:	Prior Shootings? <input type="checkbox"/>
Weapons Fired Brand: <b>Beretta</b>		Caliber: <b>9</b>	# Shots: <b>16</b>	Weapons Fired Brand: <b>Caliber</b>
Field Training Officer Emp #		Last Name	First Name	M.I.
Field Training Officer Emp #		Last Name	First Name	M.I.

<b>E</b>	Employee #	Last Name	First Name	M.I.
Sex: Race:		Rank:	Unit Assignment:	
Work Assignment (Unit #, Module, etc.):		Substance Used:		
ShiftTime (circle only one): <input type="checkbox"/> EM <input type="checkbox"/> PM <input type="checkbox"/> Day		ShiftType (circle only one): <input type="checkbox"/> Regular <input type="checkbox"/> Overtime <input type="checkbox"/> Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>
Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case? <input type="checkbox"/>
Hrs of sleep prior to shooting:		Duty Time (hrs):	Clothing (circle only one): <input type="checkbox"/> Plain Clothes no Vest <input type="checkbox"/> Raid Jacket w/ Vest <input type="checkbox"/> Plain Clothes w/ Vest <input type="checkbox"/> Uniform no Vest <input type="checkbox"/> Raid Jacket no Vest <input type="checkbox"/> Uniform w/ Vest	
Age: Height: Weight:		Other Factors:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? <input type="checkbox"/>		Patrol Certification? <input type="checkbox"/>	Certification Unit:	Prior Shootings? <input type="checkbox"/>
Weapons Fired Brand:		Caliber	# Shots	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp #		Last Name	First Name	M.I.
Field Training Officer Emp #		Last Name	First Name	M.I.

<b>E</b>	Employee #	Last Name	First Name	M.I.
Sex: Race:		Rank:	Unit Assignment:	
Work Assignment (Unit #, Module, etc.):		Substance Used:		
ShiftTime (circle only one): <input type="checkbox"/> EM <input type="checkbox"/> PM <input type="checkbox"/> Day		ShiftType (circle only one): <input type="checkbox"/> Regular <input type="checkbox"/> Overtime <input type="checkbox"/> Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>
Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case? <input type="checkbox"/>
Hrs of sleep prior to shooting:		Duty Time (hrs):	Clothing (circle only one): <input type="checkbox"/> Plain Clothes no Vest <input type="checkbox"/> Raid Jacket w/ Vest <input type="checkbox"/> Plain Clothes w/ Vest <input type="checkbox"/> Uniform no Vest <input type="checkbox"/> Raid Jacket no Vest <input type="checkbox"/> Uniform w/ Vest	
Age: Height: Weight:		Other Factors:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? <input type="checkbox"/>		Patrol Certification? <input type="checkbox"/>	Certification Unit:	Prior Shootings? <input type="checkbox"/>
Weapons Fired Brand:		Caliber	# Shots	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp #		Last Name	First Name	M.I.
Field Training Officer Emp #		Last Name	First Name	M.I.

# Officer Involved Shooting Suspect Information

URN: 013-05508-2117-013

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Suspect Information				
S 1	Last Name		First Name	
	Villareal		Edgar	
	AKA Last Name		First Name	
			M.I.	
	Sex: M	Race: H	Street Address:	
	Work Phone:	Home Phone:	Social Security #:	Driver's License #:
	Age: D.O.B. 11/13/87	Height: 506 Weight: 150	FBI #	CII #
	Booking #	Primary Charge: Secondary Charge:		
	Coroner Case? <input checked="" type="checkbox"/>	Coroner Case # 2013-02659	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:
	Armed? <input checked="" type="checkbox"/>	Apprehended? <input checked="" type="checkbox"/>		Criminal History? <input checked="" type="checkbox"/>
	Vehicle Make		Model:	Year:
S	Last Name		First Name	
			M.I.	
	AKA Last Name		First Name	
			M.I.	
	Sex:	Race:	Street Address: City State & Zip Code:	
	Work Phone:	Home Phone:	Social Security #:	Driver's License #:
	Age: D.O.B.	Height: Weight:	FBI #	CII #
	Booking #	Primary Charge: Secondary Charge:		
	Coroner Case? <input type="checkbox"/>	Coroner Case #	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:
	Armed? <input type="checkbox"/>	Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>
	Vehicle Make		Model:	Year:
S	Last Name		First Name	
			M.I.	
	AKA Last Name		First Name	
			M.I.	
	Sex:	Race:	Street Address: City State & Zip Code:	
	Work Phone:	Home Phone:	Social Security #:	Driver's License #:
	Age: D.O.B.	Height: Weight:	FBI #	CII #
	Booking #	Primary Charge: Secondary Charge:		
	Coroner Case? <input type="checkbox"/>	Coroner Case #	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:
	Armed? <input type="checkbox"/>	Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>
	Vehicle Make		Model:	Year:
S	Last Name		First Name	
			M.I.	
	AKA Last Name		First Name	
			M.I.	
	Sex:	Race:	Street Address: City State & Zip Code:	
	Work Phone:	Home Phone:	Social Security #:	Driver's License #:
	Age: D.O.B.	Height: Weight:	FBI #	CII #
	Booking #	Primary Charge: Secondary Charge:		
	Coroner Case? <input type="checkbox"/>	Coroner Case #	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:
	Armed? <input type="checkbox"/>	Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>
	Vehicle Make		Model:	Year:



**Los Angeles County Sheriff's Department**

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<b>Non-Employee Witnesses</b>			
Last Name			M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

# **INVESTIGATIVE SUMMARY**

# **Investigative Summary**

## **DEPUTY INVOLVED SHOOTING: HIT**

**IAB FILE:** SH2334985

**URN:** 013-05508-2117-013

**DATE:** APRIL 9, 2013 TUESDAY

**TIME:** 1349 HOURS

**LOCATION:** [REDACTED] CORNISH AVENUE, LYNWOOD CA. 90262

### **Opening Statement**

On Tuesday, April 9, 2013, Internal Affairs Bureau Investigators responded to an incident command post, established by Century Station personnel. Sergeant Brenda Parker, Sergeant Brenda Gibson and Lieutenant Dominic Valencia were briefed regarding the circumstances of a Deputy Involved Hit Shooting. Sergeant Brenda Parker was assigned the responsibility for the administrative review of the incident.

On July 14, 2014, the case was re-assigned and Sergeant Eitner was tasked with completing the review.

IAB Lieutenant Valencia checked to see that the Watch Commander, Lieutenant Daniel Nathan, took reasonable steps to ensure the involved and witness personnel did not discuss the incident prior to being interviewed by the assigned investigators. The Watch Commander made sure the involved and witness personnel did not collectively consult with their attorney or representative. IAB Lieutenant Valencia confirmed the involved and witness personnel were gathered in the company of a supervisor until they provided a statement to the assigned investigators.

### **Synopsis**

Deputy Cueva was driving in the area of Agnes Avenue and Muriel Drive in Lynwood in response to a service call. Unrelated to the call, Deputy Cueva saw a suspicious male Hispanic (Suspect Villareal) who he believed to be a gang member, standing on the south sidewalk near the [REDACTED] Block of Agnes Avenue. Suspect Villareal appeared startled by Deputy Cueva and walked away westbound on Agnes Avenue. Deputy Cueva stopped and got out of his radio car in an attempt to talk to Suspect Villareal. Suspect Villareal refused to comply with Deputy Cueva's orders and continued to walk away.

Suspect Villareal was an associate to the "Varrio Los Padrinos" criminal street gang, and was known as "Lizard."

Witnesses

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Injuries

No deputies were injured.

Suspect Villareal sustained nine entrance gunshot wounds as well as an additional graze wound, one to the right side of his neck, three to the right side of his back, one to the right side of his torso, one to his left chest, two to his left buttocks, one to his right arm, and one graze gunshot wound to his right arm; refer to the Autopsy Report contained in **Exhibit A, pages 100-126**, and corresponding photos contained on a CD in **Exhibit B**.

### **Physical Evidence**

All physical evidence was located, collected and documented by Homicide Bureau Investigators and Scientific Services Bureau personnel; refer to **Exhibit A, page 203**, and the Crime Scene Sketch, **Exhibit C**. Additionally a DVD containing crime scene photographs and a video is provided with this case, refer to **Exhibit D**.

### **Investigators Observations**

At the time of the Internal Affairs Bureau Investigator's arrival, the crime scene had been preserved. For further details refer to the Crime Scene Sketch, videos and pictures in **Exhibits C and D**.

On September 30, 2014, IAB Investigator Sergeant Eitner and Deputy Ron Ducat of the Crime Lab returned to the scene for measurements. Using the sketch and photos of the crime scene as a reference the following distances were measured using the location where Deputy Cueva parked his patrol car (southwest corner of Muriel Drive and Agnes Avenue) as the starting point: 142 feet to the telephone pole on Agnes Avenue mid-block between Muriel Drive and Cornish Avenue, 195 feet to the east side of the driveway for [REDACTED] Cornish Avenue, and 220 feet to where Suspect Villareal fell to the ground west of the driveway for [REDACTED] Cornish Avenue.

### **Weapon used by Deputy Cueva**

Department issued Beretta, Model 92FS; 9mm semi-automatic pistol and Department issued 9mm ammunition. The firearm was tested by Sheriff's firearms examiners and found to be functional; refer to **Exhibit A page 220**.

An examination of Deputy Cueva's firearm by Homicide Detectives indicated he shot a total of sixteen rounds. Deputy Cueva carried his weapon with fifteen rounds in the magazine and one round in the chamber. During the shooting Deputy Cueva reloaded when his slide locked back indicating his gun was empty. Deputy Cueva did not fire any rounds after reloading. Following the shooting his weapon contained fourteen rounds in the magazine and one round in the chamber; refer to **Exhibit A page 12**.

Date Employee Last Qualified: [REDACTED]

Combat handgun CPT: [REDACTED]

### **Weapon used by Suspect Villareal**

Beretta, Model 96, 40 caliber, semi-automatic pistol and 40 caliber S&W ammunition. There were eight empty 40 caliber S&W cartridge cases recovered at the scene; refer to **Exhibit A page 212**.

The gun Suspect Villareal was in possession of at the time of the incident belonged to Witness [REDACTED]. The gun was stolen from [REDACTED] car approximately one month prior to this incident. [REDACTED] was interviewed by Homicide Investigators. The interview was audio recorded; refer to the verbatim transcription. For a summary of the interview, refer to **Exhibit A, page 22**. For additional information refer to Burglary from Vehicle Report, **Exhibit A, page 236**.

### **Property Damage**

There was one bullet hole in a utility pole located at the southwest corner of Agnes Avenue and Cornish Avenue refer to **Exhibit A page 214**.

### **Criminal Investigator**

The handling Homicide Detectives were Sergeants Troy Ewing and Jeff Cochran.

On January 23, 2013, the Justice System Integrity Division of the Los Angeles County District Attorney's Office concluded that Deputy Cueva acted in lawful self-defense. A copy of the letter can be found in **Exhibit E**.

### **Lighting and Weather Conditions**

This incident occurred during daylight hours. The weather was clear, warm and windy.

### **Involved Employee Statement**

Deputy Cueva was interviewed by Homicide Investigators on the date of the incident. The interview was audio recorded and can be found on the CD contained in **Exhibit F**; refer to the verbatim transcription for precise wording. For a summary of the interview, refer to **Exhibit A, pages 9-12**. IAB Investigator Eric Eitner reviewed the audio recording and found that Homicide's summary of the interview is an accurate account of what was said.

### **IAB Interview of Deputy Cueva**

Deputy Cueva was interviewed by IAB Investigators Eric Eitner and Sonja Bracken on September 11, 2014. The interview was audio recorded and can be found on the CD contained in **Exhibit F**; refer to the verbatim transcription for precise wording. The following is a summary of the interview.

Deputy Cueva said he was driving eastbound Agnes Avenue when he saw Suspect Villareal walking westbound on the south side of Agnes Avenue crossing Muriel Drive. Suspect Villareal had gang type tattoos on his neck, was wearing baggy clothing, and a jacket on a rather warm day. Suspect Villareal appeared nervous, quickened his pace, and spilled water from a water bottle he was drinking from as he passed by Deputy Cueva's patrol car. Being aware of recent burglaries in the area, Deputy Cueva decided to stop Suspect Villareal.

Deputy Cueva stopped his patrol car on Agnes Avenue and Muriel Avenue. Deputy Cueva got out and walked around the back of his patrol car toward Suspect Villareal who was now to the west of Deputy Cueva. Deputy Cueva told Suspect Villareal to come back so he could talk to him. Suspect Villareal turned, faced Deputy Cueva and said, "What the fuck? I didn't do anything." While conversing with Deputy Cueva, Suspect Villareal was walking backwards as both continued moving westbound away from Deputy Cueva's patrol car.

Utilizing a Google aerial map printout of the area, Deputy Cueva drew a rectangle indicating where he parked his patrol car. Utilizing the same Google map printout, Deputy Cueva drew an "X" indicating Suspect Villareal's approximate position when Deputy Cueva first called out to him; refer to **Exhibit G**.

Believing Suspect Villareal was trying to evade him and in order to close the distance, Deputy Cueva walked rapidly toward Suspect Villareal. When Deputy Cueva got within one to two feet from Suspect Villareal; Suspect Villareal pulled a handgun from his waistband as he simultaneously turned and started to run away. Seeing the gun in Suspect Villareal's hand, Deputy Cueva drew his duty weapon and told Suspect Villareal to drop the gun. When Suspect Villareal was approximately five to ten feet away, Deputy Cueva heard the sound of a shot being fired. Fearing for his life believing Suspect Villareal was shooting at him; Deputy Cueva fired approximately four to six rounds striking Suspect Villareal in the back. When asked to describe how Suspect Villareal was shooting at him, Deputy Cueva said he believed Suspect Villareal had extended his right arm back and upward toward him while he was running away.

Suspect Villareal continued running westbound and then stopped near the south curb line with the gun in his hand. Suspect Villareal turned and faced Deputy Cueva. Deputy Cueva ordered Suspect Villareal to drop the gun. Suspect Villareal told Deputy Cueva he had been shot in the leg and refused to drop the gun. Due to his injuries, Suspect Villareal fell to the ground as Deputy Cueva moved laterally into the driveway south of Suspect Villareal; placing himself behind and higher than Suspect Villareal who was still moving around on the ground.

Utilizing a photo of the crime scene, Deputy Cueva drew an "X" indicating Deputy Cueva's approximate position when he first shot at Suspect Villareal. Utilizing the same crime scene photo, Deputy Cueva drew an "X" with an arrow indicating the approximate position where Suspect Villareal fell to the ground, west of the driveway for [REDACTED] Cornish Avenue; refer to **Exhibit G**.

Suspect Villareal was lying along the south curb line with his back toward Deputy Cueva and the curb which provided cover. Deputy Cueva repeatedly told Suspect Villareal to drop the gun, but he refused. Deputy Cueva saw Suspect Villareal moving the gun around in his hands appearing as though he was trying to turn and point it at him. Deputy Cueva heard more gunshots and fearing Suspect Villareal was shooting at him, Deputy Cueva returned fire. Deputy Cueva fired approximately ten more rounds and the slide of Deputy Cueva's gun locked back indicating it was empty.

Suspect Villareal stopped moving, but continued to hold onto his gun. Deputy Cueva reloaded his gun and broadcast emergent radio traffic advising he was involved in a shooting. The recording of the emergent radio traffic can be found on the CD contained in **Exhibit F**; for the verbatim transcription refer to **Exhibit H**. Deputy Cueva detained Suspect Villareal at gunpoint until responding deputies arrived and took him into custody.

Deputy Cueva said he did not see any pedestrian or vehicle traffic during the shooting. The first volley of shots were fired in a southwest direction. The second volley of shots were fired in a northwest direction.

#### Witnesses

██████████ told Homicide Investigators she is Suspect Villareal's ██████████ and is ██████████. ██████████ said Suspect Villareal is addicted to methamphetamine and the morning of the shooting, she dropped him off at a drug program on Alameda Street, just off the 105 freeway in Compton. For a summary of the interview, refer to **Exhibit A, pages 38-39**.

██████████ is the owner of a 1996 Nissan Sentra, license ██████████ which was stolen the morning of the shooting. ██████████ car was stolen from ██████████ N. Alameda Street; located near where ██████████ had dropped off Suspect Villareal. Video surveillance of the theft revealed the suspect matched the description of Suspect Villareal. ██████████ car was later recovered near the scene of the shooting the following day. Homicide Investigators also discovered Suspect Villareal was in possession of memory cards and a zip drive taken from ██████████ car. For more information refer to **Exhibit A, pages 39-42, and 179-202**. The video recording of the theft from the surveillance system can be found in **Exhibit I**.

██████████ is Suspect Villareal's ██████████. ██████████ told Homicide Investigators that Suspect Villareal called minutes before the shooting and asked her if she knew anyone who wanted to buy a gun. The interview was audio recorded and can be found on the CD contained in **Exhibit F**; refer to the verbatim transcription for precise wording. For a summary of the interview, refer to **Exhibit A, page 14**.



██████████ told Homicide Investigators she is a ██████████ of Suspect Villareal and the two were walking together minutes before the shooting. While walking together, Suspect Villareal told ██████████ he was in possession of a handgun. ██████████ said she knew Suspect Villareal uses drugs and thought he was on something.

The interview was audio recorded and can be found on the CD contained in **Exhibit F**; refer to the verbatim transcription for precise wording. For a summary of the interview, refer to **Exhibit A, pages 23-24**.

██████████ was interviewed by Homicide Investigators. ██████████ was inside her house when she heard several gunshots. ██████████ looked out her window and saw Deputy Cueva standing in the driveway of the house across the street and Suspect Villareal lying on the ground. Suspect Villareal was moving his arms around and Deputy Cueva was shooting at him. When other deputies arrived to assist, ██████████ saw deputies remove what appeared to be a gun from Suspect Villareal. ██████████ was not sure exactly where the gun was recovered from other than somewhere near Suspect Villareal. ██████████ failed to disclose she had used her cellular phone to record a portion of the incident. After learning about the video, Homicide Investigators conducted a second interview and obtained a copy of the video footage. During the second interview ██████████ denied she had seen deputies remove a gun from Suspect Villareal.

I reviewed the interviews and confirmed ██████████ told Homicide Investigators she saw a deputy remove what appeared to be a gun from Suspect Villareal. The interviews were audio recorded and can be found on the CD contained in **Exhibit F**; refer to the verbatim transcription for precise wording. For a summary of the interviews, refer to **Exhibit A, pages 17-18, 25-26**. The video recording from ██████████ cellular phone can be found in **Exhibit J**.

Homicide Bureau provided a copy of the video recording from ██████████ cellular phone to Commercial Crimes Bureau, Technical Operations. Digitally enhanced photo images from the video depict Suspect Villareal holding a gun. The digitally enhanced photo images can be found in **Exhibit A, pages 255-257**, and on the CD in **Exhibit J**.

██████████ was interviewed by Homicide Investigators. ██████████ was inside her house when she heard gunshots and looked out her window. ██████████ saw Deputy Cueva and Suspect Villareal standing across the street, approximately five to ten feet apart and facing each other. ██████████ moved her children to a back bedroom and then heard more gunshots. ██████████ looked back outside and saw Suspect Villareal fall to the ground. While on the ground, Suspect Villareal turned and ██████████ heard more gunshots. When other deputies arrived to assist, ██████████ saw a deputy remove a handgun from Suspect Villareal as he was being taken into custody.

The interview was audio recorded and can be found on the CD contained in **Exhibit F**; refer to the verbatim transcription for precise wording. For a summary of the interview, refer to **Exhibit A, pages 16-17**.

██████████ was interviewed by Homicide Investigators. ██████████ was inside his house and looked outside after hearing gunshots. ██████████ saw Suspect Villareal fall to the ground with a gun in his hand. ██████████ heard and saw Deputy Cueva shouting at Suspect Villareal. ██████████ saw Suspect Villareal shoot his gun and Deputy Cueva return fire. When assisting deputies arrived, ██████████ saw a deputy reach down and remove a gun from Suspect Villareal.

The interview was audio recorded and can be found on the CD contained in **Exhibit F**; refer to the verbatim transcription for precise wording. For a summary of the interview, refer to **Exhibit A, page 18**.

██████████ was interviewed by Homicide Investigators with the assistance of a Spanish translator. ██████████ was inside his house when he heard gunshots. ██████████ looked out his window and saw Suspect Villareal on the ground across the street with a gun in his hand. Deputy Cueva was standing in the driveway of the house across the street pointing his gun at Suspect Villareal. When assisting deputies arrived, ██████████ saw one of the deputies remove a gun from Suspect Villareal's hand.

The interview was audio recorded and can be found on the CD contained in **Exhibit F**; refer to the verbatim transcription for precise wording. For a summary of the interview, refer to **Exhibit A, page 20**.

██████████ did not witness the incident; however, he provided Homicide Investigators with surveillance footage from his security camera which depicts Suspect Villareal walk across the street and Deputy Cueva exit and walk to the rear of his patrol car and out of view. For more information refer to **Exhibit A, page 31**. The video recording from ██████████ surveillance system can be found in **Exhibit K**.

██████████ is Suspect Villareal's ██████████ and she told Homicide Investigators Suspect Villareal was addicted to methamphetamine and had been in and out of rehab. ██████████ regretted posting bail for Suspect Villareal after a recent arrest for being in a stolen car and said Suspect Villareal would still be alive if he had remained in jail. For a summary of the interview, refer to **Exhibit A, page 13**.

██████████ along with ██████████, ██████████ later approached Homicide Investigators while they were in the area of the shooting interviewing witnesses. ██████████ said several people had told them Deputy Cueva didn't have to shoot Suspect Villareal, but refused to provide Homicide Investigators the names of the people who gave them the information. ██████████ told Homicide Investigators she viewed the body and saw Suspect Villareal had been shot in the back. Homicide Investigators had their audio player recording and the conversation can be found with ██████████ audio file in **Exhibit F**. It is the conversation preceding ██████████ interview; refer to the verbatim transcription for precise wording. For a summary of the conversation, refer to **Exhibit A, page 19**.

### **Suspect Statements**

None-suspect deceased.

### **Miscellaneous**

While Suspect Villareal was at Saint Francis Medical Center, the medical staff discovered that Suspect Villareal had a clear plastic wrap containing a crystal like substance resembling methamphetamine in the center of his buttocks; refer to **Exhibit A, page 56**.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS  
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney  
SHARON J. MATSUMOTO • Chief Deputy District Attorney  
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

January 23, 2014

Captain Duane Harris  
Homicide Bureau  
Los Angeles County Sheriff's Department  
5747 Rickenbacker Road  
Commerce, California 90040

Re: J.S.I.D. File # 13-0226  
L.A.S.D. File # 013-05508-2117-013

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 9, 2013, fatal shooting of Edgar Villareal by Los Angeles County Sheriff's Department (LASD) Deputy Carlos Cueva. We have concluded that Deputy Cueva acted in lawful self-defense.

The District Attorney's Command Center was notified of this shooting on April 9, 2013, at approximately 2:35 p.m. The District Attorney Response Team, comprised of Deputy District Attorney Amy Pellman Pentz and District Attorney Senior Investigator Juan Flores, responded and was given a briefing and walk-through of the scene by LASD Lieutenant Dave Dolson.

The following analysis is based upon reports, photographs, and audio recordings submitted to this office by Sergeant Jeff Cochran from the LASD's Homicide Bureau. No compelled statements were considered in this analysis.

#### FACTUAL ANALYSIS

On April 9, 2013, at approximately 1:45 p.m., Deputy Cueva was working a single man unit in full uniform. Cueva was driving a marked black and white vehicle eastbound on Agnes Street in the City of Lynwood in response to a call for a welfare check on Muriel Drive, south of Agnes Street. As he proceeded down Agnes Street, Cueva saw a man, later identified as Edgar Villareal, walking westbound on the south side of Agnes Street, crossing Muriel Drive. Villareal was wearing a bulky jacket on a warm day.<sup>1</sup> As Cueva made eye contact with Villareal, Villareal appeared nervous, spilled water on himself while drinking from a bottle, and increased his pace as he walked past Cueva. Cueva was aware of recent burglaries in the area and decided to contact Villareal prior to responding to the call for service.

<sup>1</sup> Deputy Cueva estimated that the temperature was 80 degrees.

Cueva stopped his car near the southwest corner of Agnes Street and Muriel Drive and exited his vehicle. Cueva told Villareal, who was now fifteen to twenty feet west of Cueva, to "Come here!" Villareal responded, "Why? I didn't do anything!" and continued to walk away. As Cueva followed Villareal, he observed Villareal turn his body to the right and, using both hands, manipulate an object in his waistband. As Cueva continued to approach Villareal, Cueva saw Villareal pull a black handgun from his waistband area. Cueva immediately drew his duty weapon and ordered "Drop the gun! Drop the gun! I'm going to shoot you!" Villareal turned his body away from Deputy Cueva and continued to walk westbound, away from Cueva.

As Cueva followed, he heard a loud "pop." Believing that Villareal fired his weapon at him, Cueva discharged his weapon several times at Villareal. Villareal ran in a southwest direction and fell near the south gutter on Agnes Street near Cornish Avenue, still gripping the gun.<sup>2</sup> Villareal laid in the gutter on his left side with his head to the west and his feet to the east.

Cueva positioned himself in the driveway of the house located on the southeast corner of Agnes Street and Cornish Avenue, south of Villareal. Villareal said, "Hey! You shot me in the leg!" Cueva ordered Villareal to show his hands. Villareal did not comply with Cueva's order, continued to move the gun, and fired his weapon.<sup>3</sup> In response, Cueva fired his duty weapon at Villareal and immediately conducted a tactical reload of his weapon. Cueva did not fire his weapon again.<sup>4</sup>

Cueva advised communications that he had been involved in a shooting and remained at the location waiting for assistance. Deputies Contreras, Anderson, and Delatorre were the first to arrive. Delatorre removed the gun from Villareal's hand and placed the gun on the lawn of the residence on the southeast corner of Agnes Street and Cornish Avenue. Using Cueva's handcuffs, Anderson handcuffed Villareal. Members of the Los Angeles County Fire Department arrived, treated Villareal at the scene, and transported him to Saint Francis Medical Center in Lynwood. Despite medical intervention, Villareal succumbed to his injuries at 2:15 p.m.

On April 14, 2013, Deputy Medical Examiner Ajay J. Panchal, M.D., conducted an autopsy on Villareal's body. Villareal sustained a total of nine gunshot wounds, including one to the right neck, three to the right back, one to the right torso, one to the left chest, two to the left buttocks, and one to the right arm. Dr. Panchal ascribed the cause of death as multiple gunshot wounds. A toxicology analysis of a blood sample removed from Villareal's heart tested positive for carboxy-THC, tetrahydrocannabinol, amphetamine and methamphetamine.<sup>5</sup>

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<sup>2</sup> Cornish Avenue is one block west of Muriel Drive.

<sup>3</sup> Deputy Cueva believed that Villareal fired his weapon twice while lying in the gutter. Cueva was unable to see a muzzle flash from Villareal's gun and could not be certain in what direction Villareal was firing, but believed that Villareal was trying to shoot him.

<sup>4</sup> Deputy Cueva believed that he fired his weapon five to six times during the first round of gunfire and ten times while Villareal was lying in the street.

<sup>5</sup> Additionally, medical personnel treating Villareal located a small plastic wrapped crystallized substance resembling methamphetamine in between Villareal's buttocks.

Several individuals witnessed the incident. [REDACTED] was at home when she heard approximately eight gunshots. [REDACTED] looked outside and saw a deputy in the driveway facing west and a man standing in the street facing east. [REDACTED] began moving her children to the back bedroom when she heard approximately ten additional gunshots. She went to her front door and heard another gunshot. [REDACTED] looked outside and saw Villareal fall to the ground near the south gutter of Agnes Avenue. Villareal said, "Okay, I'm down." [REDACTED] heard more gunshots and ducked below her window. Shortly after the last gunshot, additional deputies arrive at the scene. [REDACTED] again looked out her window and saw a deputy remove a gun from Villareal's hand. [REDACTED] had not seen the gun in Villareal's hand until it was removed by the deputy.

[REDACTED] was at home when he heard gunshots and peered out of a glass pane on his east facing front door. [REDACTED] saw Villareal fall to the ground holding a gun. A deputy yelled orders at Villareal and Villareal fired his weapon three to five times in a northerly direction. The deputy fired his weapon three times at Villareal while standing in the driveway of the house located on the southeast corner of Agnes Street and Cornish Avenue. The gunfire ceased and additional deputies arrived. Pineda saw a deputy remove a black gun from Villareal's hand and toss it to the ground, away from Villareal.

[REDACTED] was inside his residence when he heard gunshots. [REDACTED] looked out of a south facing window and saw Villareal lying on the ground near the gutter across the street. Villareal was lying on his left side in a fetal position holding a black gun in his right hand. His right arm was extended outward. A deputy was standing in the driveway pointing his weapon at Villareal. Assisting deputies arrived and [REDACTED] saw another deputy remove a gun from Villareal's hand.

[REDACTED] was inside her residence when she heard gunshots and looked out of her south facing window. [REDACTED] saw a deputy standing in the driveway and a man lying on the ground, near the south gutter, moving both of his arms. The deputy fired his gun at the man. Later, [REDACTED] saw a deputy remove a gun from somewhere near the man.<sup>6</sup>

Investigators reviewed media attention surrounding this incident and discovered a grainy, twenty-four second recording of a portion of the incident. Based upon the footage, the investigators believed that [REDACTED] may have recorded the incident and failed to disclose this fact to investigators during their initial interview. [REDACTED] was questioned about the recording and admitted that she recorded the incident using her I-phone. [REDACTED] said she did not initially tell investigators about the recording because a neighbor told her that the police would be upset with her for recording the incident. [REDACTED] previously provided a copy of this recording to a lawyer who identified himself as representing the Villareal family. [REDACTED] provided a copy of the footage to the investigators.

The recording depicts Deputy Cueva standing in the driveway and Villareal lying in the gutter. Investigators provided LASD Commercial Crimes Bureau Detective [REDACTED] a copy of the

<sup>6</sup> In a subsequent interview, [REDACTED] denied saying that she saw a deputy move the gun. [REDACTED] initial interview was recorded and she did, in fact, make that statement.

recording. [REDACTED] digitally enhanced the video and provided a copy to investigators, along with three still frame images. In the still frame images, Villareal is seen lying on his left side holding a gun. The three separate still frame images each depict a slightly different positioning of the gun, indicating that Villareal was moving the gun.

Deputy Cueva was armed with a department-issued Beretta 92FS 9mm semiautomatic handgun. The maximum capacity of this firearm is sixteen rounds. After the incident, the firearm was loaded with one round in the chamber and fourteen in the magazine. An empty magazine was located at the scene as well as fifteen 9mm expended cartridge casings.

Villareal was armed with a Beretta 96 .40 caliber semiautomatic pistol. The maximum capacity of this firearm is eleven rounds. At the time it was recovered, the pistol had one round in the chamber and one live round in the magazine. Eight expended .40 caliber cartridge casings were recovered at the scene, tested, and found to have been fired from Villareal's handgun. Villareal's hands were tested for the presence of gunshot residue (GSR). Numerous particles consistent with GSR were detected on Villareal's hand samples.<sup>7</sup> DNA recovered from the handle of this firearm contained a mixture of at least three contributors. The profile of the major contributor matched the profile taken from Villareal. The random match probability estimate of the major contributor profile is one out of 761 quadrillion.

The gun used by Villareal had been stolen in a vehicle burglary on March 6, 2013. That burglary occurred on Louise Avenue in the City of Lynwood. The owner of the gun, [REDACTED] left his firearm in a locked gun case inside of his car. [REDACTED] was shown a photograph of Villareal. [REDACTED] recognized Villareal as a person who he had seen hanging out at a residence located two doors north of [REDACTED] residence. One of Villareal's prior listed residences is in close proximity to [REDACTED] Avenue residence.

At 9:00 a.m., on the date of the incident, Villareal's girlfriend, [REDACTED] drove Villareal to a drug treatment program located on Alameda Street, south of the 105 freeway, in the City of Compton. At approximately 10:50 a.m., Villareal stole a 1996 Nissan Sentra belonging to [REDACTED] from the [REDACTED] block of North Alameda in the City of Compton. Villareal drove [REDACTED] Sentra to the [REDACTED] block of Agnes Avenue,<sup>8</sup> removed some of Lozano's personal property from the Sentra,<sup>9</sup> and left the vehicle at that location. Sometime later, Josephine Ramirez, a longtime friend of Villareal, saw Villareal sitting on some stairs at Ham Park. Villareal told Ramirez that he would walk with her to her friend's house. As they were walking down Agnes Street, Villareal told Ramirez that he was in possession of a gun. Ramirez did not see the gun, entered her friend's house, and saw Villareal continue walking westbound on the south side of Agnes Street. Minutes later, Ramirez heard gunshots. Ramirez told investigators

<sup>7</sup> The presence of these particles is consistent with Villareal handling or discharging a firearm, being in close proximity to a discharging firearm, or otherwise having been in contact with an environment of gunshot residue primer.

<sup>8</sup> This location is approximately four blocks from the location of the deputy involved shooting.

<sup>9</sup> Personal property belonging to Lozano was found on Villareal's person.

that Villareal uses drugs and believed that he was under the influence at the time they were walking together. [REDACTED] Villareal's [REDACTED] confirmed that her brother was addicted to methamphetamine.

At the time of the incident, Villareal was 25 years old, stood 5'7" tall, and weighed 130 pounds. Villareal was an associate of "Varrio Los Padrinos" criminal street gang with a moniker of "Lizard." His prior criminal convictions include [REDACTED]  
[REDACTED]

## CONCLUSION

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury and (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger. CALCRIM No. 505. If the person's beliefs were reasonable, the danger does not need to have actually existed. CALCRIM No. 3470. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal.App.2d 577.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham v. Conner (1989) 490 U.S. 386, 396-397.

The investigation revealed that Deputy Cueva was responding to a call when he saw Villareal walking down Agnes Street. Villareal was dressed for cold weather on a warm day and appeared nervous. Concerned, Cueva stopped his car and attempted to speak with Villareal. Villareal did not stop to talk to Deputy Cueva. As he walked away, Villareal removed a loaded semiautomatic handgun from his waistband area. Cueva ordered Villareal to drop the weapon. Instead of following Cueva's order, Villareal fired his weapon. Deputy Cueva, in fear for his life, returned fire at Villareal, striking him. Villareal fell to the ground, still holding the firearm. While on the ground, Villareal moved and fired the weapon. In fear, Deputy Cueva again fired his weapon at Villareal. Cueva held Villareal at gunpoint until other deputies arrived and removed the loaded gun from Villareal's hand.



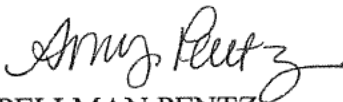
Captain Duane Harris  
January 23, 2014  
Page 6 of 6

We conclude that Deputy Carlos Cueva was placed in reasonable fear of imminent danger of death or great bodily injury by Edgar Villareal's actions and acted lawfully in self-defense when he used deadly force. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY  
District Attorney

By



AMY PELLMAN PENTZ  
Deputy District Attorney  
[REDACTED]

c: Deputy Carlos Cueva # [REDACTED]

COUNTY OF LOS ANGELES  
**SHERIFF'S DEPARTMENT**  
*"A Tradition of Service"*

OFFICE CORRESPONDENCE


DATE: December 16, 2014

FROM:

  
STEPHEN JOHNSON, COMMANDER  
CENTRAL PATROL DIVISION

TO: DONNIE MAULDIN, CAPTAIN  
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	SH2334985
Incident:	Hit Shooting
Incident Date:	April 10, 2013
Unit:	Century Station
Suspect:	Villareal, Edgar MH/ 11/13/87
Involved Employees:	Deputy Carlos Cueva 
EFRC Date:	December 11, 2014

The Executive Force Review Committee (EFRC) consisting of Commanders Stephen Johnson, Ralph Webb, and Patrick Maxwell met and reviewed the above case.

**FINDINGS:**

The EFRC determined the force and tactics used against the suspect was within Department policy.

**RECOMMENDATIONS:**

The EFRC recommended the Unit Commander, Captain Ernest Chavez, conduct a tactical debriefing of the incident. This debriefing is to include the Internal Affairs Bureau presentation presented to the Executive Force Review Committee and is to address the proper use of back-up and assistance.

SBJ:RFI:rfi

COUNTY OF LOS ANGELES  
**SHERIFF'S DEPARTMENT**  
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CENTURY STATION

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